

Sixth Appellate District

San Jose, California

MONDAY, APRIL 14, 2008

H031603 PEOPLE v. HUNG

By the Court*:

Appellant's petition for rehearing is denied.

Filed: April 14, 2008

*Before Rushing, P.J., Premo, J. and Elia, J.

The following case is submitted this date:

H031979 PEOPLE v. ESTRADA

H031317 SUTTER'S PLACE v. SUPERIOR COURT OF SANTA CLARA COUNTY;
CITY OF SAN JOSE

The opinion which was filed on March 18, 2008, is certified
for publication.

(Premo, J.; Rushing, P.J., Elia, J.)

Filed April 14, 2008

TUESDAY, APRIL 15, 2008

The Court met in its courtroom at 333 West Santa Clara
Street, Suite 1060, San Jose, California. Present: Rushing,
P.J.; Premo, J.; Elia, J.; and Jane Valdez Flor, Deputy Clerk.

H030980 PEOPLE v. MOHAMMED

Cause called and argued by Jill A. Fordyce appearing for
Appellant and by Dorian Jung, Deputy Attorney General, appearing
for Respondent. Cause ordered submitted.

H030828 PEOPLE v. ANDERSON

Cause called and argued by Gayle Gutekunst appearing for
Appellant and by Anne Peterson, Certified Law Student, appearing
with Ann Wathen, Deputy Attorney General, for Respondent. Cause
ordered submitted.

H031576 STATE OF CALIFORNIA, ex rel. JOHN STONER v. SANTA CLARA
COUNTY OFFICE OF EDUCATION, et al.

Cause called and argued by John Stoner, appearing in propria
persona, and Michael John Tonsing also appearing for Appellant
and by Mark Davis appearing for Respondents. Cause ordered
submitted.

H032037 RYMER, a Minor, etc., et al. v. METOVIC, et al.

Cause called and argued by Christian Braid Pezzaglia
appearing for Appellants and by Lance Burrow appearing for
Respondents. Cause ordered submitted.

Court recesses until 1:30 p.m.

Sixth Appellate District

San Jose, California

Tuesday, April 15, 2008 (continued)

H031838 PEOPLE v. LADD

The judgment is affirmed. (not published)
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed April 15, 2008

The following case is submitted this date:

H031427 PEOPLE v. GAMBLE

H031580 HAQUE v. FRY'S ELECTRONICS, INC.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: April 15, 2008

*Before Rushing, P.J., Premo, J. and Elia, J.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.; and Beth Miller, Deputy Clerk.

H030682 PEOPLE v. YOUNG

Cause called and argued by Frank J. McCabe appearing for Appellant and by Joan Killeen, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H031023 PEOPLE v. DRAGOS

Cause called and argued by David D. Martin appearing for Appellant and by Rene A. Chacon, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Bamattre-Manoukian, Acting P.J. leaves the bench and Duffy, J. takes the bench.

H030630 PEOPLE v. URIBE

Cause called and argued by David D. Martin appearing for Appellant and by Sharon R. Wooden, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

The court is adjourned.

H031972 ANDERSEN v. YOUNG, et al.

The June 22, 2007 order awarding attorney's fees to respondents is affirmed. Respondents are to have costs on appeal. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed April 15, 2008

Sixth Appellate District

San Jose, California

WEDNESDAY, APRIL 16, 2008

H031488 PEOPLE v. SCOTT

The judgment of conviction is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy,
J.)

Filed April 16, 2008

H031395 HUYNH ON HABEAS CORPUS

The trial court's order granting Huynh's petition for writ
of habeas corpus is affirmed. The Governor's 2006 decision is
vacated and the Board's 2005 decision granting Huynh parole is
reinstated on the conditions stated herein. (not published)
(Duffy, J.; I concur: McAdams, J; Concurring opinion by Bamattre-
Manoukian, Acting P.J.)

Filed April 16, 2008

THURSDAY, APRIL 17, 2008

The Court met in its courtroom at 333 West Santa Clara Street,
Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo,
J.; Elia, J.; and LaNae Brooks, Deputy Clerk.

H031242 PEOPLE v. BANDEROS

Cause called and argued by Syda Kosofsky appearing for
Appellant and by Deputy Attorney General Catherine A. Rivlin
appearing for Respondent. Cause ordered submitted.

H030063 SHAPIRO, et al. v. CLARK

Cause called and argued by Mark G. Bonino appearing for
Appellant and by Richard Kutche appearing for Respondents. Cause
ordered submitted.

H031652 SOLARTE v. WASHINGTON MUTAL BANK, et al.

Cause called and argued by Emelita Nocon Solarte appearing
in propria persona and by Patricia M. Kelly appearing for
Respondent Washington Mutual Bank and by William Lance Traficanti
appearing for Respondents Martin, et al. Cause ordered
submitted.

H031756 CORBALIS et al. v. SUPERIOR COURT; BERLINER COHEN et al.

Cause called and argued by Mukesh Advani appearing for
Petitioners and by John H. Feeney appearing for Real Parties in
Interest. Cause ordered submitted.

Court is adjourned

Sixth Appellate District

San Jose, California

Thursday, April 17, 2008 (continued)

H031193 NALIN v. NEEKA ACCOUNTANCY CORPORATION

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed April 17, 2008

H031023 PEOPLE v. DRAGOS

The judgment is reversed and the matter is remanded for resentencing in accordance with this opinion. On remand, defendant's determinate term, imposed in addition to his indeterminate term, shall not be longer than seven years four months. After resentencing, the trial court shall prepare a new abstract of judgment and forward a copy of it to the Department of Corrections and Rehabilitation. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed April 17, 2008

H030682 PEOPLE v. YOUNG

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed April 17, 2008

H032217 PEOPLE v. GARCIA

The judgment is affirmed. (not published)
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)
Filed April 17, 2008

H032646 DROBAC, et al. v. BURNS, et al.

By the Court:

Appellants' motion to set aside the dismissal of the appeal is granted. The order of this court entered on March 21, 2008, is vacated and the appeal is ordered restored to active status. The clerk of the superior court is directed to resume preparation of the record on appeal in accordance with the applicable provisions of the California Rules of Court.

The court having previously denied appellants' application for waiver of court fees and costs as to the filing fee due on the notice of appeal filed by said appellants pursuant to this court's order entered on March 13, 2008, appellants are hereby directed to deposit the \$655.00 filing fee with this court within 15 days from the date of this order. Failure to do so shall result in the dismissal of the appeal filed by appellants on February 22, 2008.

Dated: April 17, 2008

Rushing, P.J.

Sixth Appellate District

San Jose, California

FRIDAY, APRIL 18, 2008

The following cases are submitted this date:

H030946 PEOPLE v. GARCIA

H032006 PEOPLE v. JOHNSON

H031493 PEOPLE v. ORTIZ

H030853 PEOPLE v. ORNELAS

H032266 PEOPLE v. KASE

H032262 In re NATALIE C.; D.F.C.S. v. DAVID S.

H032244 In re ALEXUS R.; D.F.C.S v. FELICIA G.

H032133 In re EVELYN M.; SANTA CRUZ COUNTY HRA v. ANTOINETTE M.,
et al.

H029978 PEOPLE v. THOMAS

H031428 SPRAGUE v. POLJAK

The order is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed April 18, 2008

H031429 SPRAGUE v. LENS

The order is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed April 18, 2008

H031465 WOODALL v, WOODALL, as Executor, etc.
By the Court*:

Appellant's petition for rehearing is denied.
Filed: April 18, 2008

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and Duffy, J.